

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

v.

**Case No. 21-CR-490-JFH**

**KYLE ANTHONY LNSCOMB,**

**Defendant.**

**OPINION AND ORDER**

Before the Court is a motion for leave to dismiss (“Motion”) filed by the United States of America (“Government”). Dkt. No. 8. The Government requests leave to dismiss the indictment [Dkt. No. 2] without prejudice as to Defendant Kyle Anthony Linscomb (“Defendant”). *Id.*

Under Fed. R. Crim. P. 48(a), “courts must grant prosecutors leave to dismiss charges unless dismissal is clearly contrary to manifest public interest.” *United States v. Robertson*, 45 F.3d 1423, 1437 n.14 (10<sup>th</sup> Cir. 1995) (quoting *Rinaldi v. United States*, 434 U.S. 22, 30 (1977)). The Court concludes that dismissal of the charge against Defendant is not contrary to the public interest, nor is it for an improper purpose. The Government’s motion to dismiss should be granted.

IT IS THEREFORE ORDERED that the Government’s motion for leave to dismiss [Dkt. No. 8] is GRANTED and the Indictment [Dkt. No. 2] is dismissed without prejudice as to Defendant Kyle Anthony Linscomb.

Dated this 7th day of October 2022.

  
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JOHN F. HEIL, III  
UNITED STATES DISTRICT JUDGE